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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,669	04/18/2005	Werner Schroeder	L-400	1827
<div>7590 Elliott N Kramsky 5850 Canoga Avenue Suite 400 Woodland Hills, CA 91367</div>				
<div>05/14/2007</div>				
<div>EXAMINER KWOK, HELEN C</div>				
<div>ART UNIT 2856</div>				
<div>PAPER NUMBER</div>				
<div>MAIL DATE 05/14/2007</div>				
<div>DELIVERY MODE PAPER</div>				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/531,669	<b>Applicant(s)</b> SCHROEDER, WERNER	
	<b>Examiner</b> Helen C. Kwok	<b>Art Unit</b> 2856	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>May 9, 2005</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Objections***

2. Claims 1-16 are objected to because of the following informalities. Appropriate correction is required.

In claim 1, line 2, the phrase "the frequency of the read oscillation" should be changed to -- a frequency of a read oscillation --. In lines 2-3, the phrase "the frequency of the stimulation" should be changed to -- a frequency of a stimulation oscillation --. In line 4, the phrase "the resonator" should be changed to -- a resonator --. In line 5, what is the word "it" referring to? In line 12, the phrase "the magnitude" should be changed to -- a magnitude --.

In claim 2, line 3, it appears that the word "the" before the phrase "the respective control/reset" should be deleted.

In claim 6, line 6, what is the word "it" referring to?

In claim 7, line 6, what is the word "it" referring to?

In claim 8, line 6, what is the word "it" referring to?

In claim 9, line 6, what is the word "it" referring to?

In claim 10, line 4, the phrase "the intensity" should be changed to -- an intensity -

In claim 11, lines 3-4, the phrase "the frequency of the read oscillation" should be changed to – a frequency of a read oscillation --. In lines 4-5, the phrase "the frequency of the stimulation oscillation" should be changed to – a frequency of a stimulation oscillation --. In lines 9-10, it appears that the parenthesis around the phrase "(which represents the read oscillation)" should be removed since this is improper and parenthesis are reserved for amending claims. In line 13, the phrase "the magnitude" should be changed to – a magnitude --.

In claim 12, line 7, what is the word "it" referring to?

In claim 13, line 7, what is the word "it" referring to?

In claim 14, line 7, what is the word "it" referring to?

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, line 2, the phrase "the disturbance signal" lacks antecedent basis.

In claim 4, line 2, the phrase "the disturbance signal" lacks antecedent basis.

In claim 5, line 2, the phrase "the disturbance signal" lacks antecedent basis. in line 4, the phrase "the disturbance signal" lacks antecedent basis.

In claim 6, line 3, the phrase "the rotation rate control " lacks antecedent basis.

In lines 5-6, the phrase "The quadrature control loop" lacks antecedent basis.

In claim 7, line 3, the phrase "the output" signal" lacks antecedent basis. In lines 3-4, the phrase "the quadrature control loop" lacks antecedent basis. in lines 5-6, the phrase "the rotation rate control loop" lacks antecedent basis.

In claim 8, line 3, the phrase "the output signal" lacks antecedent basis. in lines 3-4, the phrase "the quadrature control loop" lacks antecedent basis. in lines 5-6, the phrase "the quadrature control loop" lacks antecedent basis.

In claim 9, line 3, the phrase "the output signal" lacks antecedent basis. in lines 3-4, the phrase "the rotation rate control loop" lacks antecedent basis. in lines 5-6, the phrase "the rotation rate control loop" lacks antecedent basis.

### ***Double Patenting***

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over; the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29

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USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-16 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4 and 6-12 of copending Application No. 10/531,792 or claims 1 and 3-8 of copending Application No. 10/531,814. Although the conflicting claims are not identical, they are not patentably distinct from each other because all of the limitations and features claimed in the Instant application are claimed in the copending applications as mentioned-above. The claims in the Instant application are broader than the claims in the copending application; hence, the Instant application is not patentably distinct from the copending applications.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references cited are related to circuitry for Coriolis gyroscopes.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen C. Kwok whose telephone number is (571) 272-2197. The examiner can normally be reached on 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

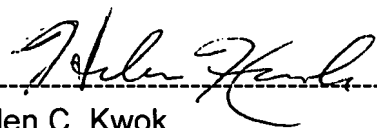
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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Helen C. Kwok  
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hck  
May 10, 2007